

## Danner, Ward

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**From:** Huetteman, Tom  
**Sent:** Wednesday, April 30, 2014 8:22 AM  
**To:** Mogharabi, Nahal  
**Cc:** Armann, Steve  
**Subject:** FW: Malibu High Contamination

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Green Category

FYI

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RCRA Branch, Land Division, USEPA Region 9  
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**From:** NiColle Holland [mailto:nraber@aol.com]  
**Sent:** Wednesday, April 30, 2014 12:49 AM  
**To:** Stanislaus, Mathy; Breen, Barry; Blumenfeld, Jared; Mccarthy, Gina; Huetteman, Tom  
**Cc:** debbie.raphael@dtsc.ca.gov; Senator.Pavley@outreach.senate.ca.gov; zev@bos.lacounty.gov; SNissman@bos.lacounty.gov; EShultz@bos.lacounty.gov; vbauchman@ph.lacounty.gov; tpowell@ph.lacounty.gov; abellomo@ph.lacounty.gov; twilliams@ph.lacounty.gov; lisa.pinto@mail.house.gov; Laura\_Schiller@boxer.senate.gov; Huetteman, Tom; sean.macneil@asm.ca.gov; EHughes@cde.ca.gov; TTorlakson@cde.ca.gov  
**Subject:** Malibu High Contamination

Dear EPA,

Why is EPA region 9 failing our school in Malibu, CA.? Why is EPA region 9 avoiding enforcing EPA LAW and enabling a school district greatly concerned with liabilities acceptable among your great agency? Why is our school district using region 9 office to avoid their responsibilities? We believed EPA was there to protect our children and those that teach them. Why is your office making a poor example out of our school by avoiding EPA LAW- and using our children as a current "HEALTH EXPERIMENT"?

Scientific tests prove contamination at unacceptable levels on our campus; where and what has still not been answered. No precautions are presently being taken on our campus putting our children in possible harms way on a daily basis. The burden of proof has not been met, otherwise.

"EPA admitted that no more testing of caulk and removal of all caulk above 50 ppm (eg. continued non compliance with the law) was their policy on the Malibu case." - **PLEASE EXPLAIN**

"EPA also admitted that they do not care about the direct contact or ingestion pollution pathway, only the air pathway, despite their own scientific evidence that contaminated dust is just as dangerous as contaminated air." - **PLEASE EXPLAIN**

"Given that the past analysis conducted by the Phylmar Group was essentially just a screening analysis and found that 4 of 10 solid samples exceed the TSCA 761 limit of 50 parts per million and require remediation, it seems prudent to conduct an additional investigation to ensure the school is properly remediated. It is also noteworthy that 3 wipe samples exceeded the TSCA limit of 10 micrograms per 100 cubic centimeters demonstrating that surfaces are contaminated with PCBs and children can be exposed to dust and PCB residues. It is evident that the school needs to be cleaned using a certified professional utilizing vacuums fitted with HEPA filters." - Paul E. Rosenfeld Ph.D. (prosenfeld@swape.com)

EPA has not only failed to require thorough testing, it has actually encouraged the school to limit its investigation in order to avoid finding out the extent of the contamination. Dr. Paul Rosenfeld, a preeminent EPA and DOD Superfund assessment and remediation contractor (headquartered in Santa Monica, CA) reports that EPA Officials told the school

district to avoid further PCB testing in the schools' dust and caulking because, if the levels exceed the 50 ppm standard, as they likely will, the school district will have to incur the cost to fully remediate and remove it. Dr. Rosenfeld has referred to the EPA's conduct to date as "*an awful state of affairs*."

EPA website -

**IT IS AGAINST THE LAW TO HAVE PCBS OVER 50PPM** "Caulk containing PCBs at levels  $\geq$  50 ppm is not authorized for use under the PCB regulations and must be removed."

PCB Criminal Violations: Elements: A person knowingly or willfully

Failed or refuse to comply with [a PCB regulation] the PCB substance contained 50 ppm or greater PCBs / Statute: 15

U.S.C. 2615(b) Penalty:

- 1 year and/or up to \$25,000 per day violation
- Relevant Regulations: 40 C.F.R. 761

<http://www2.epa.gov/enforcement/criminal-provisions-toxic-substances-control-act-tsca#two>

TSCA states: Caulk with PCBs equal to or greater than 50PPM is not an allowed use.

We request EPA to enforce the law at Malibu High School and test the caulk and dust in ALL classrooms for PCBs. We request to close the classrooms where levels exceed EPA standards, until those classrooms' caulk and dust are removed and remediated.

*Please confirm EPA region 9 (San Francisco) office will uphold and enforce EPA LAWS, regulations and protocol on our tri-school campus ranging from **5 year olds** to 18 year olds, that were made to protect all people.*

*Thank you for your time and attention.*

*Please respond.*

Sincerely,  
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Malibu High Parent  
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310-430-2833